

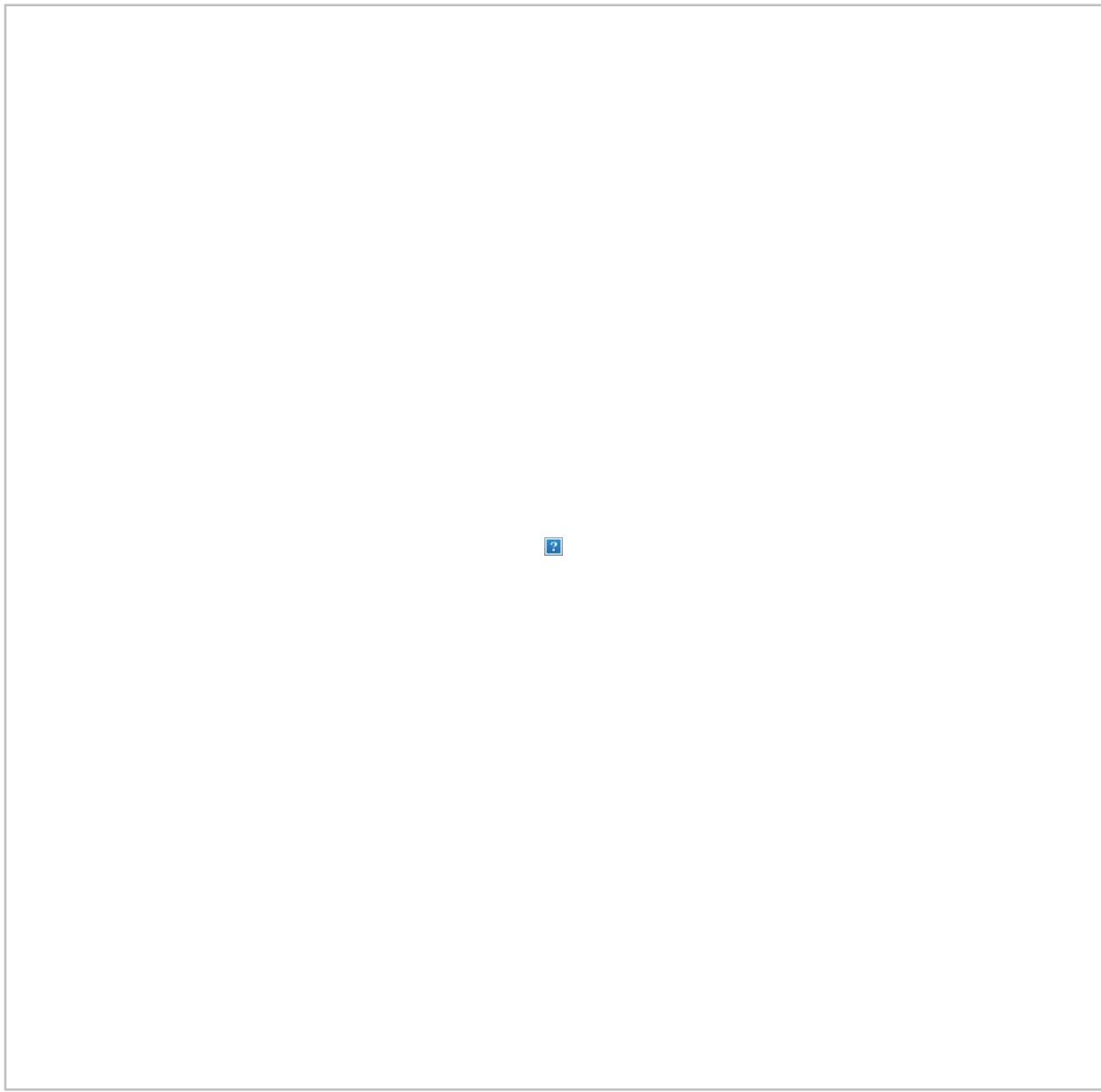
HOCKEY

NHL players' flamboyant lawsuit against Roger Clemens' pal could be thrown out

By TERI THOMPSON and MICHAEL O'KEEFFE

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Ken Jowdy (l.) is a personal friend of Roger Clemens (second from left) who is embroiled in a lawsuit with several current and former NHL players. (Nudelman/AP)

Four current and retired [NHL](#) players have violated a court order compelling them to appear for depositions in the explosive lawsuit they filed along with 15 other players last year claiming golf course developer Ken Jowdy squandered \$25 million of their money on porn stars, party girls

and wild parties for [Roger Clemens](#), [Reggie Jackson](#) and other baseball stars.

The hockey players are expected to drop the lawsuit to avoid facing sanctions, which could include having the suit dismissed at a hearing scheduled for March 3 in [Los Angeles](#). The players received notices for depositions on Christmas Eve but failed to respond, according to [Robyn Crowther](#), an attorney for Jowdy. On Jan. 25, [Judge William F. Fahey](#) ordered them to appear for depositions, and the players' attorney, [Ron Richards](#), provided dates when they would be available, beginning on Feb. 16. So far, four plaintiffs - [Chris Simon](#) and [Bryan Berard](#), who both played for the Islanders and Rangers, former Ranger [Greg de Vries](#) and [Jason Woolley](#) - have failed to appear.

The suit alleged that Jowdy blew money the players invested in two golf developments on [Mexico's Baja peninsula](#) on "porn stars, escorts, party girls and other women," as well as private jets, five-star hotels and golf outings to impress Clemens, Jackson, banned hit king [Pete Rose](#) and [ESPN broadcaster Joe Morgan](#).

The players also said that Mexican authorities had issued a warrant for Jowdy's arrest, and that his development in [Cabo San Lucas](#) had been hit by liens in excess of \$2.5 million by disgruntled former employees.

"They said there was a warrant for my arrest," Jowdy said after the lawsuit was filed. "Not true. There weren't any porn stars, hookers, strippers or anything like that. There were just malicious lies put in a lawsuit."

There have been no liens on the property, according to Jowdy's Mexican lawyer, [Fernando Garcia](#).

Jowdy said he never met or talked to three-quarters of the 19 players named as plaintiffs in the lawsuit. Instead, he dealt primarily with an unlicensed financial adviser named [Phil Kenner](#), who now calls himself a "lifestyle coach." Kenner was Jowdy's partner in the Mexican golf courses, charged with raising financing.

The lawsuit, a consolidation of two suits filed last summer in [Los Angeles Superior Court](#), generated massive headlines for the players' side. But the case didn't go well in court for the players: Richards was smacked with admonishments for months by Judge Fahey. At a Dec. 2 hearing, for example, Fahey chewed out Richards for not having all the players' financial records required to pursue the case.

"Why didn't you get all that before you filed this lawsuit?" Fahey asked. "When I was in practice, before I took on representation and filed a lawsuit, I had all the paperwork."

When contacted by the Daily News, Richards claimed he was having an allergy attack and couldn't talk. He did not return subsequent calls and e-mails.

The players' allegations got the attention of federal prosecutors in [New York](#), who launched an investigation last summer. Now, with the hockey players' lawsuit in shambles, it is possible the focus of the federal probe will shift to Kenner and his associate, a former race car driver named [Tommy Constantine](#), known as [Tommy Hormovitis](#) before he legally changed his name after pleading guilty in 1993 in [Illinois](#) to one count of delivery of a controlled substance - cocaine.

Kenner and Constantine have been involved in several legal battles involving hockey players. Former NHL star [Joe Juneau](#) accused Kenner in a lawsuit filed in December of 2008 in [U.S. District Court](#) in Los Angeles of bilking him out of millions of dollars in investments. An arbitrator awarded [Minnesota Wild right wing Owen Nolan](#) \$2.5 million after Nolan claimed he was scammed by Kenner.

[Ethan Moreau](#) of the [Edmonton Oilers](#) filed a suit at the same time against Constantine. Both suits are ongoing.

Meanwhile, Richards told a reporter last summer that Jowdy failed to develop the projects. "The only thing they have to show for it is sand on a beach in the middle of nowhere," Richards said.

But one course, Diamante Cabo San Lucas, opened in October to rave reviews.

"All he has wanted from Day 1 is for the players to tell the truth," a source close to Jowdy said. "They forced him to get a court order after the first time they failed to show up. Now the players not only defy a judge's court order, but they supposedly withdraw their case. I think that tells you all you need to know about the truth of their allegations."

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